

AMENDED IN SENATE JUNE 10, 1999

AMENDED IN SENATE JUNE 7, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1067

Introduced by Assembly Member Margett

February 25, 1999

An act to amend ~~Section~~ *Sections 44346.1 and 44424* of the Education Code, relating to teacher credentialing.

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as amended, Margett. Teacher credentialing.

~~Existing~~

~~(1) Existing law defines “sex offense” for purposes of various provisions relating to the employment of school employees. Among the offenses constituting a sex offense is any offense involving lewd and lascivious conduct under the provision that prohibits causing, encouraging, or contributing to the delinquency of persons under 18 years of age. Existing law requires the Commission on Teacher Credentialing to immediately revoke the teaching or services credential of a person when the person’s conviction of a violation, or attempted violation, of any one or more of certain offenses, including causing, encouraging, or contributing to the delinquency of persons under 18 years of age becomes final.~~

This bill would add the crimes of burglary, certain offenses regarding assaulting a child under 8 years of age by a custodian

of that child, and infliction of cruel or inhuman corporal punishment upon a child, to these offenses.

(2) Existing law defines “sex offense” for purposes of various provisions relating to the employment of school employees. Among the offenses constituting a sex offense is any offense involving lewd and lascivious conduct under the provision that prohibits causing, encouraging, or contributing to the delinquency of persons under 18 years of age.

This bill would provide, ~~instead,~~ that a conviction of encouraging, or contributing to the delinquency of persons under 18 years of age when it involves lewd and lascivious conduct or any offense committed or attempted in any other state or against the laws of the United States which, if committed or attempted in this state, would have been punished as one or more of certain offenses, is a conviction that, upon becoming final, requires the Commission on Teacher Credentialing to immediately revoke the credential of the person so convicted. ~~The bill would include within the listed offenses certain offenses regarding assaulting a child under 8 years of age by a custodian of that child and regarding infliction of cruel or inhuman corporal punishment upon a child.~~

(3) Existing law requires the commission to deny any application for the issuance of a credential made by an applicant who has been convicted of a violent or serious felony, as defined.

This bill would also require the commission to deny any application for the issuance of a credential made by an applicant that has been convicted of one of the offenses that would require revocation of a credential.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. *Section 44346.1 of the Education Code is*
2 *amended to read:*

3 44346.1. (a) The commission shall deny any
4 application for the issuance of a credential made by an
5 applicant who has been convicted of a violent or serious

1 felony ~~and shall revoke any credential issued to a person~~
2 ~~or a crime set forth in subdivision (a) of Section 44424 or~~
3 whose employment has been denied employment or
4 terminated pursuant to Section 44830.1.

5 (b) This section applies to any violent or serious
6 offense which, if committed in this state, would have been
7 punishable as a violent or serious felony.

8 (c) For purposes of this section, a violent felony is any
9 felony listed in subdivision (c) of Section 667.5 of the
10 Penal Code and a serious felony is any felony listed in
11 subdivision (c) of Section 1192.7 of the Penal Code.

12 (d) Notwithstanding subdivision (a), a person shall
13 not be denied a credential ~~nor shall a credential be~~
14 ~~revoked~~ solely on the basis that the applicant or holder
15 has been convicted of a violent or serious felony if the
16 person has obtained a certificate of rehabilitation and
17 pardon pursuant to Chapter 3.5 (commencing with
18 Section 4852.01) of Title 6 of Part 3 of the Penal Code.

19 SEC. 2. Section 44424 of the Education Code is
20 amended to read:

21 44424. (a) Upon the conviction of the holder of any
22 credential issued by the State Board of Education or the
23 Commission on Teacher Credentialing of a violation, or
24 attempted violation, of *a violent or serious felony as*
25 *described in Section 44346.1, or any one or more of Penal*
26 *Code Sections 187 to 191, 192 insofar as said section relates*
27 *to voluntary manslaughter, 193, 194 to 217.1, both*
28 *inclusive, 220, 222, 244, 245, 261 to 267, both inclusive,*
29 *273a, 273ab, 273d, 273f, 273g, 278, 285 to 288a, both*
30 *inclusive, 424, 425, 459, 484 to 488, both inclusive, insofar*
31 *as said sections relate to felony convictions, 503 and 504,*
32 *or of any offense involving lewd and lascivious conduct*
33 *under Section 272 of the Penal Code, or any offense*
34 *committed or attempted in any other state or against the*
35 *laws of the United States which, if committed or*
36 *attempted in this state, would have been punished as one*
37 *or more of the offenses specified in this section, becoming*
38 *final, the commission shall forthwith revoke the*
39 *credential.*

1 ~~Upon a plea of nolo contendere that does not constitute~~
2 ~~a conviction pursuant to Section 1016 of the Penal Code,~~
3 *(b) Upon a plea of nolo contendere as a misdemeanor*
4 *to one or more of the crimes set forth in subdivision (a),*
5 all credentials held by the respondent shall be suspended
6 until a final disposition regarding those credentials is
7 made by the commission. Any action that the commission
8 is permitted to take following a conviction may be taken
9 after the time for appeal has elapsed, or the judgment of
10 conviction has been affirmed on appeal, or when an order
11 granting probation is made suspending the imposition of
12 sentence and the time for appeal has elapsed or the
13 judgment of conviction has been affirmed on appeal,
14 irrespective of a subsequent order under the provisions
15 of Section 1203.4 of the Penal Code.
16 *(c) The commission shall revoke a credential issued to*
17 *a person whose employment has been denied or*
18 *terminated pursuant to Section 44830.1.*
19 *(d) Notwithstanding subdivision (a), a credential shall*
20 *not be revoked solely on the basis that the applicant or*
21 *holder has been convicted of a violent or serious felony if*
22 *the person has obtained a certificate of rehabilitation and*
23 *pardon pursuant to Chapter 3.5 (commencing with*
24 *Section 4852.01) of Title 6 of Part 3 of the Penal Code.*

